UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WILLIAM TACKETT,
Petitioner,

vs.

WARDEN, CHILLICOTHE
CORRECTIONAL INSTITUTION,
Respondent.

Case No. 1:11-cv-450

Beckwith, J.
Bowman, M.J.

ORDER

This *pro se* habeas corpus action filed pursuant to 28 U.S.C. § 2254 is before the Court on petitioner's pleading requesting that the respondent's motion to dismiss be stricken from the record. (Doc. 6). Petitioner asks the Court to strike the motion to dismiss because respondent has not complied with an order filed July 12, 2011 directing respondent to file a return of writ with exhibits responding to petitioner's petition for habeas corpus relief. (*Id.*; *see also* Doc. 2). However, the motion to dismiss filed by respondent as an initial answer to petitioner's habeas corpus petition within the time parameters permitted by the Court constitutes a sufficient response to the petition.

Accordingly, petitioner's request for a court order striking respondent's motion to dismiss (Doc. 6) is **DENIED**.[1]

IT IS SO ORDERED.

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

[1]In a separate Report and Recommendation issued this date, the undersigned has recommended that respondent's motion to dismiss (Doc. 5) be granted.